

PATENT
1377-0188P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: John Kevin COLLINS et al. Conf.: UNKNOWN
Appl. No.: NEW Group: UNKNOWN
Filed: June 26, 2003 Examiner: UNKNOWN
For: PROBIOTIC STRAINS FROM LACTOBACILLUS
SALIVARIUS AND ANTIMICROBIAL AGENTS
OBTAINED THEREFROM

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION WITH CONTINUATION-IN-PART OR
RULE 1.53(b) CONTINUATION OR DIVISIONAL APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 26, 2003

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449 form(s), attached hereto.

II. REFERENCES PREVIOUSLY CITED OR SUBMITTED

Pursuant to 37 C.F.R. § 1.98(d), consideration of information listed on the PTO-1449 form(s) is requested since any patents, publications, or other information which are listed on the PTO-1449 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Appl. No(s).
09/367,105

U.S. Filing Date(s)
November 10, 1999

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

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| ATTY DOCKET NO. 1377-0188P | APPLICATION NO. NEW |
| APPLICANT John Kevin COLLINS et al. | |
| FILING DATE June 26, 2003 | GROUP Unknown |

U. S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | Kind | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPROPRIATE |
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FOREIGN PATENT DOCUMENTS

| Office | DOCUMENT NUMBER | Kind | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION | |
|--------|-----------------|------|------------|---------|-------|-----------|-------------|----|
| | | | | | | | YES | NO |
| WO | 89\05849 | A | 1989-06-29 | WIPO | | | | |
| EP | 1 384 319 | A | 1990-08-29 | EUROPE | | | | |
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OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)

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| T. R. KLAENHAMMER, FEMS Microbiology Reviews, 12 (1993) 39-86 |
| M. B. ten Brink et al., Journal of Applied Bacteriology 1994, 77 140-148 |
| Flynn et al., International Dairy Journal, (May-June 1998) Vol. 8, No. 5-6, pp. 581, September 30-October 2, 1997 |
| S. C. Jong et al., ATCC Quarterly Newsletter, Vol. 13, No. 1, pp. 1-2 and 10-11, 1993 |

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|---|-----------------|
| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |

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OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)

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| TIBTECH, "Establishing a Scientific Basis for Probiotic R&D", Vol. 12, pp. 6-8 (January 1994) |
| Gilliland, <i>FEMS Microbiology Reviews</i> , Vol. 87, pp.175-188 (1990) |
| Adachi, <i>The Lactic Acid Bacteria, Volume 1</i> , "The Lactic Acid Bacteria in Health and Disease", pp.233-261 (1992) |
| Martreau et al., <i>FEMS Microbiology Reviews</i> , Vol. 12, pp.207-220 (1993) |
| Kim, <i>Cultured Dairy Products Journal</i> , "Characterization of Lactobacilli and Bifidobacteria as Applied to Dietary Adjuncts", pp.6-9 (August 1988) |
| Fuller, <i>Journal of Applied Bacteriology</i> , Vol. 66, pp.365-378 (1989) |
| O'Sullivan et al., <i>Trends in Food Science & Technology</i> , Vol. 31, pp.309-314 (December 1992) |
| Tannock, <i>Human Intestinal Microflora in Health and Disease</i> , pp.517-539 (1983) |
| Lee et al., <i>Trends in Food Science & Technology</i> , Vol. 6, pp.241-245 (July 1995) |
| Tancrede, <i>Eur. J. Clin. Microbiol. Infect. Dis.</i> , Vol. 11, pp.1012-1015 (November 1992) |
| Toba et al., <i>Letters in Applied Microbiology</i> , Vol. 12, pp.228-231 (1991) |
| K. Arihara et al., <i>Lett. Appl. Microbiol.</i> 1996, V22, P420-424 |

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|---|-----------------|
| EXAMINER | DATE CONSIDERED |
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III. FEES

This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.

If the Examiner has any questions concerning this IDS or requires a copy of any of the references cited but not provided, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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(703) 205-8000

Attachment(s) : PTO-1449(s)

- References
- Foreign Search Report
- Other:

(Rev. 04/29/03)